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September 20, 2004

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VIA HAND DELIVERY

Marlene H. Dortch, Esq., Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554
Attention: Video Division, Media Bureau

RECEIVED

SEP 20 2004

Federal Communications Commission
Office of Secretary

Re: Amendment of Section 73.606(b), Table of Allotments, Television
Broadcast Stations; and Section 73.622(b) Table of Allotments,
Digital Broadcast Television Stations (Mobile, Alabama)
Comments in Response to Notice of Proposed Rule Making
MB Docket No. 04-281, RM-11041

Dear Ms. Dortch:

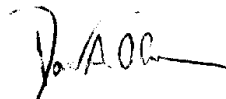
Transmitted herewith, on behalf of Paxson Communications Corporation, Fant Broadcast Development, L.L.C. and Marri Broadcasting, L.P., are an original and four (4) copies of their Comments in response to the *Notice of Proposed Rule Making* issued in the above-captioned proceeding.

An extra copy of the filing is enclosed. Please date-stamp the extra copy and return it to the courier.

Should you have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

HOLLAND & KNIGHT LLP



David A. O'Connor

Enclosure

cc: (w/encl.): Scott S. Patrick
Howard Miles, Esq.
Thomas J. Dougherty, Esq.

Noted for filing 014
Lise A. [unclear]

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

RECEIVED

SEP 20 2004

In the Matter of)	Federal Communications Commission
)	Office of Secretary
Amendment of Section 73.606(b),)	MB Docket No. 04-281
Table of Allotments,)	RM-11041
Television Broadcast Station; and)	
Section 73.622(b), Table of Allotments,)	
Digital Broadcast Television Stations.)	
(Mobile, Alabama))	

To: Secretary
Attn: Chief, Video Division, Media Bureau

COMMENTS

Paxson Communications Corporation ("Paxson"), the proposed ultimate surviving applicant for a new commercial television station to operate on Channel 61 serving Mobile, Alabama (the "Station"), Fant Broadcast Development, L.L.C. ("Fant") and Marri Broadcasting, L.P. ("Marri") (together, Fant and Marri are the dismissing applicants for the Station and, collectively with Paxson, are the "Applicants"), by their attorneys and pursuant to Section 1.415 of the Commission's rules, 47 C.F.R. § 1.415, hereby submit their comments in response to the *Notice of Proposed Rule Making* ("Notice") issued in the above-captioned proceeding.¹ The *Notice* proposes to amend the NTSC Television Table of Allotments and the Digital Television ("DTV") Table of Allotments by removing NTSC Channel 61 at Mobile, Alabama and, in its place, adding DTV Channel 18 at Mobile, Alabama. The

¹ *In re Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments, Digital Broadcast Television Stations. (Mobile, Alabama), Notice of Proposed Rule Making*, MB Docket No. 04-281, DA 04-2261 (rel. July 29, 2004) ("Notice").

Applicants support the *Notice* for the reasons set forth herein. The remaining party to this proceeding, Television Capital Corporation of Mobile (“TCCM”), which is the surviving but proposed substituted applicant for the Station, is filing separate comments in this proceeding, upon information and belief.

Background

In 1996 TCCM, Fant, and Marri filed mutually exclusive applications for a construction permit to operate on NTSC Channel 61 at Mobile. In 1998, the three applicants resolved mutual exclusivities and filed, on January 30, 1998, a “Joint Approval of Universal Settlement Agreement” seeking grant of the TCCM application and the dismissal of the applications submitted by Fant and Marri. Concurrently, TCCM and Paxson submitted an amendment to the surviving application seeking the substitution of Paxson as the surviving applicant.

On May 15, 2001, the Applicants filed an amendment proposing to substitute DTV Channel 18 in lieu of NTSC Channel 61 at Mobile, and to eliminate NTSC Channel 61 from the NTSC Table of Allotments. On June 1, 2004, the Applicants submitted a second amendment in order to resolve potential interference issues with respect to the operations of WMAU-DT, Channel 18 at Bude, Mississippi. On July 29, 2004, the Media Bureau released the *Notice* proposing to adopt the Applicants’ proposal, as amended.

Discussion

For the reasons set forth in the prior pleadings filed by the Applicants in this proceeding, and as reiterated in these Comments, the Applicants request that the Commission adopt the proposals contained in the *Notice*.

The Applicants hereby incorporate by reference the pleadings that previously have been filed by the parties in this proceeding. In addition, in compliance with Paragraph 2 of the Appendix to the *Notice*, the Applicants hereby restate their present intention to apply for DTV Channel 18 if that channel is allotted at Mobile, Alabama. In addition, if such application is granted by the Commission, the Applicants hereby restate their present intention to promptly construct facilities to operate on that channel.²

Accordingly, the Applicants respectfully request that the Commission adopt the proposals contained in the *Notice*.

² Paxson's joinder in these Comments is without prejudice to all of its legal and equitable rights and remedies, including all actions relating to the enforcement of its outstanding \$1,551,999.50 judgment against TCCM, that may be available to Paxson as a result of its agreement with TCCM and TCCM's breaches thereunder.

Respectfully submitted,

PAXSON COMMUNICATIONS
CORPORATION

By: 

Charles R. Naftalin

David A. O'Connor

Its Attorneys

Holland & Knight LLP

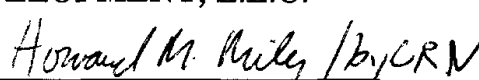
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FANT BROADCAST
DEVELOPMENT, L.L.C.

By:  /b/crN

Howard M. Miles

Its Attorney

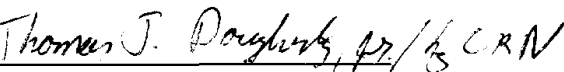
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MARRI BROADCASTING, L.P.

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September 20, 2004

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